

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 

By: Trial Section Merits Panel
Board of Patent Appeals and Interferences
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UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

QUIG WANG, MITCHELL H. FINER
and XIAO-CHI JIA

FAXED

Junior Party,
Application 08/333,680

MAR 29 2004

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

v.

IMRE KOVESDI, DOUGLAS E. BROUH,
DUNCAN L. McVEY, JOSEPH T. BRUDER
and ALENA LIZONOVA

Senior Party
Application 08/258,416

Patent Interference No. 104,825 (CAS)

Before: SCHAFFER, TORCZON, and SPIEGEL, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.

JUDGMENT -- RULE 662

Pursuant to 37 CFR § 1.662(a), Senior party Kovesdi "abandons the contest as to current Counts 7-12 as set forth in the 'Order Redeclaring Interference' dated September 4, 2003" (Paper 91). Accordingly, it is

ORDERED that judgment on priority as to Counts 7-12 (Paper 91, pp. 3-5), is awarded against senior party IMRE KOVESDI, DOUGLAS E. BROUH, DUNCAN L. McVEY, JOSEPH T. BRUDER and ALENA LIZONOVA.

FURTHER ORDERED that senior party IMRE KOVESDI, DOUGLAS E. BROUH, DUNCAN L. McVEY, JOSEPH T. BRUDER and ALENA LIZONOVA is not entitled to a patent containing

- (i) claims 20-21, 24-26, 52, 56-58, 68-69, 72-73, 78-79 and 84-87 (corresponding to Count 7),
- (ii) claims 19, 36, 41-42, 89-90 and 95 (corresponding to Count 8),
- (iii) claims 20-21, 24-26, 52-56, 68-71, 78-79, 82 and 84-87 (corresponding to Count 9),
- (iv) claims 19, 36-40, 89-90 and 92-95 (corresponding to Count 10),
- (v) claims 20-21, 24-26, 52-87 (corresponding to Count 11), and
- (vi) claims 19, 36-41, 43-51, 89-90 and 92-95 (corresponding to Count 12)

of application 08/258,416, filed June 10, 1994.¹

FURTHER ORDERED that a copy of this paper shall be made of record in the files of U.S. application 08/333,680 and U.S. application 08/258,416.

¹ Kovesdi claims 22-23 and 91 do not correspond to any of Counts 7 through 12 and, therefore, are not involved in the interference (Paper 91, p. 5).

FURTHER ORDERED that a copy of the decision on motions filed September 2, 2003 (Paper 89) shall be made of record in the files of U.S. application 08/333,680 and U.S. application 08/258,416.

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.


RICHARD E. SCHAFER)
Administrative Patent Judge)


RICHARD TÖRCZON)
Administrative Patent Judge)


CAROL A. SPIEGEL)
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